

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FERNANDO NIEVES, JR.,

Plaintiff,

-v-

NEW YORK CITY DEPARTMENT OF EDUCATION  
ET AL,

Defendants.

24-CV-06267 (JAV)

ORDER

JEANNETTE A. VARGAS, United States District Judge:

The Court GRANTS IN PART AND DENIES IN PART Plaintiff’s motion for a further extension of time to file an amended complaint in this matter. On December 13, 2024, this Court directed Plaintiff to file an amended complaint by January 6, 2025. *See* ECF No. 21. By Order dated December 27, 2024, the Court granted Plaintiff’s request for an extension of time to file an amended complaint, setting a deadline of February 28, 2025. ECF No. 24. In that same Order, the Court denied Plaintiff’s request to stay this proceeding pending the outcome of a separate Article 78 proceeding pending in New York Supreme Court. *Id.*

By letters dated February 17 and February 25, 2025, Plaintiff seeks a further extension of the deadline to file his amended complaint, until April 28, 2025. ECF Nos. 26, 27. As with his prior request to stay this litigation, Plaintiff seeks this relief in connection with his efforts to obtain documents from the New York City Department of Education through the Article 78 proceeding. Plaintiff states that “this additional time will allow for the resolution of the state court proceedings and ensure that the necessary documents are available to support my claims in the federal case.” ECF No. 27; *see also* ECF No. 26 (stating that documents are necessary because they will “provide essential information necessary to support my claims”).

Although now framed as an extension request rather than a motion to stay, Plaintiff essentially seeks the same relief that the Court previously denied in its December 27 Order. The request to extend the time for Plaintiff to file his amended complaint until the resolution of the Article 78 proceeding is again DENIED.

Although oral argument is scheduled in the Article 78 proceeding for April 17, 2025, it is far from clear that the Article 78 proceeding will be resolved by April 28, 2025. Additionally, Plaintiff has not explained why these documents are relevant to his amendment of the complaint, other than the conclusory statement that these documents will allow him to submit a “complete and accurate complaint.” ECF No. 22. At the pleading stage, however, Rule 8 of the Federal Rules of Civil Procedure requires only that the complaint contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” To the extent that Plaintiff seeks these records as evidence to support his claims during this litigation, the Court notes that Plaintiff is not required at this stage of the litigation to provide evidence to support his claims. That will occur during the discovery phase of the litigation.

Accordingly, Plaintiff’s request for an extension of time until April 28, 2025, to file his amended complaint is DENIED. Plaintiff shall be GRANTED an extension of time until **March 24, 2025**, to file an amended complaint. Defendants shall have until **April 25, 2025**, to file their responses to the amended complaint.

SO ORDERED.

Dated: February 26, 2025  
New York, New York

  
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JEANNETTE A. VARGAS  
United States District Judge